IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

FRIDAY, THE SIXTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT APPEAL NO : 1034 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 22/04/2004 in WPMP No.23179 of 2001 in WP NO : 20128 OF 1993 on the file of the High Court.)

Between:

M.Narasa Reddy (sole Writ petitioner) having died his legal representatives:
1. Muchala Ramanamma W/o M.Narasa Reddy aged about 66 years
2 Muchala Venkatrama reddy S/o M.Narasa reddy
3 Muchala Konda Reddy S/o M.Narasa reddy
4 Penna Sujatha D/o M.Narasa Reddy
5 Muchala Lakshmana Kumar Reddy S/o M.Narasa Reddy
(All the Appellants are residing at H.No.27/7/882, Lakshmi Nagar, Near Geetanjali High School, Balaji Nagar, Nellore.)

..... APPELLANTS

AND

1 Revenue Court (Inams) of the Revenue Divisional Officer, Kavali,

Nellore District.
2 Special Deputy Tansildar (Inams) District Collector's Office, Nellore.
3 Mandal Revenue officer, Jaladanki Mandal, Nellore District.

.....RESPONDENTS

Counsel for the Appellant:MR.P.KRISHNA REDDY

Counsel for the Respondents.: GP FOR REVENUE

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

Challenge is to the order passed by learned single Judge dismissing WPMP No.23179 of 2001 wherein prayer was made to bring the appellants on record as the legal representatives of the sole writ petitioner, who died. Consequential order passed by the learned single Judge was to dismiss the writ petition.

Rule nisi was issued in the writ petition on 29th December, 1993. Writ petition, thereafter, was directed to be heard along with other connected writ petitions. On 31st August, 2001, WPMP No.23179 of 2001 was filed praying that legal representatives of the sole petitioner, who expired on 21-1-1999, be brought on record. The application came up for consideration on a number of occasions thereafter and was ultimately dismissed after a lapse of almost three years on the ground that petition had been belatedly made.

There is no limitation provided for filing applications for substitution of parties in the event of death of the petitioner or respondent in a petition filed under Article 226 of the Constitution of India. When Rule was issued in the writ petition, obviously, as per the procedure of the court, file is not taken up on day to day basis and will come up for hearing only. When in the month of July, 2001, writ petition was posted for hearing, within a couple of days thereafter, the appellants filed application for their substitution in place of the deceased petitioner since cause continued and the writ petition survived for consideration. In such like matters, a pragmatic and liberal approach deserves to be adopted. Without considering the fact that application had been moved in the year 2001 and was taken up after three years, the learned single Judge, in a casual manner, dismissed the same as having been filed belatedly. The order as such is not sustainable.

The appeal is allowed and the impugned order dismissing the writ petition as well as the WPMP is set aside. WPMP No.23179 of 2001 stands allowed and the appellants are directed to be substituted in the place of the deceased writ petitioner.

The writ petition is ordered to be restored, which will now be heard by the learned single Judge.

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DEVINDER GUPTA, CJ

6-8-2004

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C.V.RAMULU, J

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To

1 Revenue Court (Inams) of the Revenue Divisional Officer, Kavali,

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2 Special Deputy Tansildar (Inams) District Collector's Office, Nellore.
3 Mandal Revenue officer, Jaladanki Mandal, Nellore District.

4 2 CCs to the Govt. pleader for Revenue, High Court Buildings,

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